

Message Text

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FM SECSTATE WASHDC

TO USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS: OECD, NEA

SUBJECT: MODERNIZATION OF NEA STATUTE

REF: PARIS 9686

1. REFTEL NOTES PIERRE STROHL'S CONCERN WITH US SUGGESTION TO MODIFY NEA STATUTE, IN EFFECT, BY INTERPRETING FURTHER-ANCE OF QTE ANY MILITARY PURPOSE UNQTE TO INCLUDE QTE DEVELOPMENT, MANUFACTURE, OR PRODUCTION OF ANY NUCLEAR EXPLOSIVE DEVICE. UNQTE. STROHL WORRIED ABOUT POSSIBLE CONFLICT WITH ARTICLE 17 OF NEA SECURITY CONTROL CONVENTION WHICH READS: QTE A MILITARY PURPOSE...INCLUDES THE USE OF SPECIAL FISSIONABLE MATERIALS IN WEAPONS OF WAR AND EXCLUDES THEIR USE IN REACTORS FOR THE PRODUCTION OF ELECTRICITY AND HEAT OR FOR PROPULSION. UNQTE.

2. ARTICLE 1 OF SECURITY CONTROL CONVENTION STATES THAT THE OBJECT OF THE SECURITY CONTROL IS TO ENSURE THAT NEA UNCLASSIFIED

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JOINT UNDERTAKINGS AND MATERIALS, EQUIPMENT AND SERVICES FURNISHED BY NEA DO NOT FURTHER ANY MILITARY PURPOSE. IT IS US POSITION THAT TECHNOLOGY INVOLVED IN NUCLEAR EXPLOSIVES INTENDED FOR PEACEFUL PURPOSES (PNE'S) INDISTINGUISHABLE FROM THAT INTENDED FOR USE IN QTE WEAPONS OF WAR. UNQTE. THUS, DEVELOPMENT, MANUFACTURE OR PRODUCTION OF ANY NUCLEAR EXPLOSIVE WOULD FURTHER A MILITARY

PURPOSE. AS YOU KNOW, WE HAVE CONSISTENTLY INTERPRETED QTE NO MILITARY USE UNQTE LANGUAGE OF OUR BILATERAL AGREEMENTS FOR COOPERATION TO PROHIBIT USE OF US SUPPLIED MATERIAL FOR NUCLEAR EXPLOSIVES NO MATTER WHAT THEIR INTENDED USE.

3. ARTICLE 17 DOES NOT MENTION PNE'S. IT MERELY DISTINGUISHES BETWEEN USE OF SPECIAL FISSIONABLE MATERIAL FOR REACTORS AND PROPULSION AND THAT FOR WEAPONS OF WAR. THIS DISTINCTION IS FOUND IN ALL NUCLEAR TREATIES; E.G. NON-PROLIFERATION TREATY (NPT) WHICH ALLOWS NON-NUCLEAR WEAPONS STATES TO PROCESS NUCLEAR REACTORS (UNDER SAFEGUARDS) BUT FORBIDS THEM TO DEVELOP OR POSSESS ANY NUCLEAR EXPLOSIVE DEVICE.

4. ARTICLE 17 MERELY SAYS THAT TERM MILITARY PURPOSES INCLUDES CERTAIN USES. IT IS NOT EXHAUSTIVE, AND THEREFORE DOES NOT PLACE AS STRICT LIMITATION ON ARTICLE 1 AS STROHL BELIEVES. THERE WOULD THUS BE NO INCONSISTENCY BETWEEN THE PROPOSED ADDITION TO ARTICLE 6 OF THE STATUTE AND ARTICLE 17 OF THE SECURITY CONTROL CONVENTION.

5. FINALLY, CONSIDERING THE PRESENT QTE SUSPENSION UNQTE OF THE SECURITY CONTROL, IT WOULD BE ANOMOLOUS TO REJECT AN IMPROVEMENT AND CLARIFICATION OF THE STATUTE ON THE GROUND THAT IT MIGHT CONFLICT WITH THE SECURITY CONTROL CONVENTION.

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